

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Civil No. 20-cv-13293

vs.

Hon. David M. Lawson

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA,

Defendant.

/

**GOVERNMENT'S AGREED MOTION FOR
APPOINTMENT OF ADJUDICATIONS OFFICER**

Following the procedures set forth in the Consent Decree, the government has selected Gil M. Soffer as the proposed Adjudications Officer. Pursuant to E.D. Mich. L.R. 7.1, Defendant UAW concurs in the government's requested relief.

Respectfully submitted,

Saima S. Mohsin
Acting United States Attorney

/s/ Steven P. Cares (with consent)

Assistant United States Attorney
United States Attorney's Office
Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9139
Email: steven.cares@usdoj.gov

/s/ David A. Gardey

Assistant United States Attorney
United States Attorney's Office
Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9591
Email: david.gardey@usdoj.gov

Issue Presented

Should the Court appoint Gil M. Soffer as the Adjudications Officer pursuant to the Consent Decree?

Controlling Authority

Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 367 (6th Cir. 1998)

Consent Decree, ECF No. 10, PageID.117-18

Memorandum of Law

After this Court granted the parties' motion and entered the Consent Decree, the parties identified a proposed Monitor, and the Court appointed Neil Barofsky to serve in that role. Now, after speaking to numerous qualified applicants and reviewing background materials and references, the government has identified and proposes Gil M. Soffer to be appointed as the Adjudications Officer pursuant to the terms of the Consent Decree.

BACKGROUND

After a years-long government investigation involving high-level officials at the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America ("UAW"), the government and the UAW reached an agreement to resolve civil and criminal liability of the UAW through a proposed Consent Decree. The parties jointly moved for the entry of that decree, which this Court granted, and the Consent Decree was entered by the Court on January 29, 2021. (ECF No. 9, PageID.107).

As part of the parties' agreement, the parties identified and the Court appointed Neil Barofsky on May 12, 2021 to serve as the Monitor contemplated by the Consent Decree. (ECF No. 10, PageID.117). Subsequently, the parties engaged in a selection process in order to propose an Adjudications Officer to the Court. The Decree itself sets out the process for this officer's selection: The UAW

interviews applicants and then proposes three candidates. (*Id.*). The Monitor will be consulted regarding his views of the possible candidates for the position. (*Id.*). The United States then selects a proposed Adjudications Officer from this group, or asks for additional candidates. (*Id.*). And the government then requests the Court approve its proposed Adjudications Officer. (*Id.*).

As required by the Consent Decree, the parties have actively engaged in this process since the Court appointed the Monitor in May. In other words, the UAW proposed multiple candidates to the United States. Representatives of the United States, including undersigned counsel, conducted interviews and checks on the candidates. And after due consideration, the government now proposes Gil M. Soffer to act as the Adjudications Officer pursuant to the Consent Decree.

ANALYSIS

“Consent decrees and judgments are binding contracts.” *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 372 (6th Cir. 1998). As set forth above, the Consent Decree sets forth the procedure for selection of the Adjudications Officer. And the procedure is a familiar one—it follows the current guidelines set by the Department of Justice. *See Dep’t of Justice Memorandum, Selection of Monitors in Criminal Division Matters, October 11, 2018.*

After a thorough review of his background and references, the United States has concluded that Gil M. Soffer would dutifully fulfill the role as the

Adjudications Officer in this case, and seeks this Court's approval for the same.



Mr. Soffer is currently a partner at the Chicago law firm of Katten Muchin Rosenman LLP. There, he is the firm's Managing Partner, and he is the Co-Chair of the firm's national Litigation Department. In February 2017, the Department of Justice and the Securities and Exchange Commission appointed Mr.

Soffer as the global corporate compliance monitor for Teva Pharmaceuticals Industries Ltd., the world's largest manufacturer of generic pharmaceuticals, in one of the most substantial settlements ever under the Foreign Corrupt Practices Act.

The government has spoken with individuals familiar with Mr. Soffer's work who have praised his skill, diligence, and judgment.

Prior to Mr. Soffer's employment as a partner in a major American law firm, he worked as an Assistant United States Attorney in the Northern District of Illinois. Later, at the Department of Justice in Washington, D.C., Mr. Soffer served as a Counsel to the Deputy Attorney General, and then as an Associate Deputy Attorney General until 2009. In that position, Mr. Soffer was the principal drafter of the Department's Corporate Monitor Principles. Also while at DOJ, Mr.

Soffer managed the President's Corporate Fraud Task Force.

As noted above, Defendant UAW agrees to this Motion.

CONCLUSION

For the foregoing reasons, we respectfully request that the Court appoint Gil M. Soffer as the Adjudications Officer pursuant to the Consent Decree.

Respectfully submitted,

Saima S. Mohsin
Acting United States Attorney

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Assistant United States Attorney
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Email: david.gardey@usdoj.gov

Dated: September 8, 2021

Certificate of Service

I hereby certify that on September 8, 2021, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ David A. Gardey
Assistant United States Attorney
United States Attorney's Office
Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9591
Email: David.Gardey@usdoj.gov